

REMARKS/ARGUMENTS

Reexamination and reconsideration of this Application, withdrawal of the rejection, and formal notification of the allowability of all claims as now presented are earnestly solicited in light of the attached evidence and remarks that follow. Claims 1, 3-10, 12-17, 19-26, and 28-36 are pending in the application. Applicants now submit new claims 37-57. Support for these additional claims can be found throughout the specification, such as on pages 23-24, and pages 32-35. Applicants respectfully submit that no new matter is introduced by these amendments.

All claims of record stand rejected as unpatentable over U.S. Patent No. 5,129,408 to Jakob *et al.* in view of U.S. Patent No. 4,924,888 to Perfetti *et al.* The Examiner continues to rely upon the Jakob reference as disclosing a smokable material comprising tobacco in intimate contact with an aerosol forming material. The Examiner admits that the smokable material described in the Jakob patent does not comprise greater than 90% tobacco, but relies on the Perfetti patent as disclosing greater than 90% tobacco in intimate contact with glycerin. The Examiner concludes that it would have been obvious to use a smokable material comprising more than 90% tobacco in the cigarette described in the Jakob patent. Applicants respectfully traverse this rejection.

Claim 1 recites that the aerosol forming material is in intimate contact with a processed tobacco material comprising an aqueous-extracted tobacco pulp having at least a portion of the aqueous soluble portion removed therefrom, such that the processed tobacco material is a substrate for the aerosol forming material. The aerosol forming material is applied to the aqueous-extracted tobacco pulp such that the aqueous-extracted tobacco pulp serves as a substrate for the aerosol-forming material. Neither cited reference teaches or suggests the combination of aerosol forming material with a processed tobacco material in the manner claimed in Claim 1. The Jakob patent merely suggests forming mixtures of aerosol forming materials with non-tobacco filler materials. Every example in the Jakob patent that includes incorporation of an aerosol forming material relates to the inclusion of such material during processing of the agglomerated matrix filler, which is a non-tobacco material. There is certainly no reference to the incorporation of an aerosol forming material during any processing of the

tobacco material. The Examiner even notes that the Jakob patent discloses that aerosol forming materials can be provided as a portion of the binding agent; there is no disclosure of aerosol forming materials being provided as applied directly to aqueous-extracted tobacco pulp such that the aerosol forming material is brought into intimate contact with the aqueous-extracted tobacco pulp. The Applicants have amended Claim 1 to further clarify the intimate contact between the aqueous-extracted tobacco pulp and the aerosol forming material. Similarly, the Perfetti reference also fails to disclose such a combination of aerosol forming material and processed tobacco material. There is no discussion in the Perfetti reference of intimate contact between an aerosol forming material and a processed tobacco material that comprises an aqueous-extracted tobacco pulp having at least a portion of the aqueous soluble portion removed therefrom. There is simply no discussion of such a combination. For at least this reason, Applicants respectfully request reconsideration and withdrawal of the rejection of record.

In light of the foregoing, Applicants respectfully submit that Claim 1, Claim 17, Claim 33, and all claims dependent thereon are patentable over the cited art. Additionally, applicants present herewith new independent claim 53. It is noted that new claim 53 can be distinguished from the cited art for the reasons stated herein. The cited references, taken singly or combined, do not teach a process for preparing a reconstituted tobacco material having increased capacity for aerosol forming material, the method comprising extracting a tobacco material with an aqueous solution to form an aqueous-extracted tobacco pulp and an aqueous extract; removing at least a portion of the aqueous extract from the tobacco pulp; and replacing the removed portion of aqueous extract with an aerosol forming material to form a reconstituted tobacco material, the tobacco pulp serving as a substrate for the aerosol forming material.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

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Respectfully submitted,

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